

## REMARKS

This Amendment is submitted in response to the final Office Action mailed on July 10, 2008. No fee is due in connection with this Amendment. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 115808-491 on the account statement.

Claims 10-14, 16 and 18-24 are pending in this application. Claims 1-9, 15 and 17 were previously canceled without prejudice or disclaimer, and Claims 25-37 were previously withdrawn. In the Office Action, Claim 21 is rejected under 35 U.S.C. §112. Claims 10, 12-14, 16, 19 and 23-24 are rejected under 35 U.S.C. §102. Claims 11, 18 and 20-22 are rejected under 35 U.S.C. §103. In response, Claims 10 and 21 have been amended and Claim 13 has been canceled. The amendments do not add new matter. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully submit that the objections and rejections should be withdrawn.

In the Office Action, Claim 21 is rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description and enablement requirements. With respect to Claim 21, the Examiner maintains that the specification does not provide support for using both a plant texturing protein and an animal texturing protein in the emulsion mixture. See, Office Action, page 2, lines 9-19. In response, Applicants have amended Claim 21 to recite, in part, wherein the emulsion comprises a mixture of a meat, a cereal, a textured protein, water, vitamins, salt, a flavoring and a colorant. The amendment does not add new matter. The amendment is supported in the specification at, for example, page 8, lines 12-16 and page 9, lines 11-15 and 33-37. In view of the amendment to Claim 21, Applicants respectfully submit that the rejection under 35 U.S.C. §112, first paragraph, is now rendered moot.

Accordingly, Applicants respectfully request that the rejection of Claim 21 under 35 U.S.C. §112, first paragraph, be withdrawn.

In the Office Action, Claims 10, 12-14, 16, 19 and 23-24 are rejected under 35 U.S.C. §102(b) as being anticipated by WO 00/65937 to Prasad et al. ("*Prasad*"). In response, Applicants have amended Claim 10 to recite, in part, a food composition having at least one of a source of pigments or colorants selected from the group consisting of a powdered blood, a frozen blood, mineral oxides, and combinations thereof. The amendment does not add new matter. The amendment is supported in the specification at, for example, page 4, lines 20-25. In view of the

amendments and for the reasons set for below, Applicants respectfully submit that *Prasad* is deficient with respect to the present claims.

The coating of the present claims provides a roasted appearance to a food composition after cooking. See, specification, page 2, lines 30-33. When heated during cooking, the proteins in the coating coagulate and thereby create a scattered pattern of color on the surface of the food composition. See, specification, page 3, lines 1-4. Because of the scattered color pattern thus created, the coating of the present claims more closely imitates cooking in a conventional oven than prior art browning agents, which merely created a uniform coloring on the surface of a food composition. See, specification, page 2, lines 4-26; page 3, lines 1-4. In contrast, *Prasad* fails to disclose or suggest each and every element of the present claims.

For example, *Prasad* fails to disclose or suggest a food composition having at least one of a source of pigments or colorants selected from the group consisting of a powdered blood, a frozen blood, mineral oxides, and combinations thereof as required, in part, by the present claims. The Examiner asserts that *Prasad* discloses using caramel color, which is obtained by the heat treatment, or total caramelization of sugars such as dextrose and sugars, and as such is interpreted as a caramelized sugar colorant. See, Non-Final Office Action dated January 15, 2008, page 7, lines 1-4. However, as noted above, Applicants have amended Claim 10 to remove caramelized sugar as a source of pigments or colors. Further, *Prasad* fails to disclose or suggest any of Applicants' claimed pigments or colorants including a powdered blood, a frozen blood, mineral oxides, and combinations thereof. In fact, at no place in the disclosure does *Prasad* even mention that colorants may be anything other than "caramel color, annatto natural color, tumeric, paprika, tea leaves, and the like." See, *Prasad*, page 6, lines 17-19. For at least the above-mentioned reasons, Applicants respectfully submit that *Prasad* fails to disclose each and every element of independent Claim 10 and Claims 11-17, 19 and 23-24 that depend therefrom.

Accordingly, Applicants respectfully request that the rejection of Claims 10, 12-14, 16, 19 and 23-24 under 35 U.S.C. §102(b) to *Prasad* be withdrawn.

In the Office Action, Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Prasad*. Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Prasad* in view of U.S. Patent No. 4,781,939 to Martin et al. ("*Martin*") and U.S. Patent No. 3,900,573 to Freck et al. ("*Freck*"). Claims 20-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Prasad* in view of U.S. Patent No. 5,567,466 to Dupont-Delhovren ("*Dupont-Delhovren*")

and U.S. Patent No. 3,808,340 to Palmer ("*Palmer*"). Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Prasad* in view of *Palmer*, U.S. Patent No. 4,508,741 to Corbett et al. ("*Corbett*"), Dictionary of Food Science and Technology ("*Dictionary*"), Francis, Food Science and Technology, Second Edition volume 1 ("*Francis*"), U.S. Patent No. 3,073,700 to Ziegler ("*Ziegler*"), U.S. Patent No. 4,089,983 to Hood ("*Hood*"), U.S. Patent No. 3,434,843 to Durst ("*Durst*"), Igoe et al., Dictionary of Food Ingredients ("*Igoe*"), U.S. Patent No. 2,567,085 to Stoloff ("*Stoloff*"), and U.S. Patent No. 3,873,736 to Palmer et al. ("*Palmer II*"). However, Applicants respectfully submit that the patentability of Claim 10 as previously discussed renders moot the obviousness rejection of Claims 11, 18 and 20-22 that depend therefrom. In this regard, the cited art fails to teach or suggest all of the elements of Claims 11, 18 and 20-22 in combination with the novel elements of Claim 10.

Accordingly, Applicants respectfully submit that the obviousness rejections with respect to Claims 11, 18 and 20-22 be reconsidered and withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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